

Appl. No. 10/618,150
Amdt. dated December 4, 2005
Reply to Office Action of October 4, 2005

Docket No. 53436-014100

RESPONSE TO EXAMINER'S REJECTIONS/OBJECTIONS

Responsive to the Office Action mailed May 4, 2005, the Applicant has amended Claims 9, 15, 19, 25, 32, 35, 38, 42, 43, 44, 49, and 50. No new subject matter has been added to these amended claims.

Claim Rejections - 35 U.S.C. § 103(a)

Examiner has rejected Claims 1-50 under 35 U.S.C. 103(a) as being unpatentable over D'Urso et al. in view of Davitt et al (US Patent No. 5,392,343). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Davitt et al (hereinafter Davitt) does not disclose all the claim limitations of independent claims 1, 5, 9, 15, 19, 25, 32, 35, 38, 42, 43, 44, 49, and 50. In particular, Davitt does not disclose a service having a **predetermined** amount of units of live language interpretation service. Instead, Davitt discloses a service that must bill the user for the use of the service. The Davitt service does not disclose any capability of having a predetermined amount of units. Specifically, Davitt at column 5, line 65 – column 6, line 5 states:

"The billing for the interpretation services will be added to the billing for the actual telephone call. Since this service part of the call is billed by the PBX 36, the adjunct 24 must insure that the subscriber's destination number is delivered to the PBX 36 so that the bill for the interpretation service can appear on the regular bills relating to the caller's telephone. Alternatively, the switches or the adjunct 24 could produce a billing record. "

Thus, the Davitt system requires billing a user and does not disclose a system having a **predetermined** amount of units of live language interpretation service.

Therefore, because all the claims limitations are not taught or suggested by Davitt alone or in combination with D'Urso, they cannot be used as the basis of a 103 rejection. Further, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In light of these

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amendments and arguments, Applicant has overcome the Examiner's 35 U.S.C. § 103(a) rejections. Thus, the Examiner is respectfully requested to withdraw these rejections with respect to Claims 1-50.

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REMARKS

Applicant has complied with all requirements made in the above-referenced communication. In view of the foregoing, it is respectfully submitted that the pending Claims in the application are in condition for allowance. Allowance of the pending claims at an early date is courteously solicited.

If, for any reason, the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representatives, attention Eglia Nair Flores at (310) 586-6511 to discuss the steps necessary for placing the application in condition for allowance.

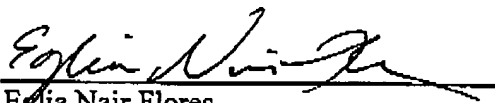
This response is being timely filed and no fee is believed due. However, if Applicant is mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that Attorney Docket Number 53436-014100 is referred to when charging any payments or credits for this case.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: December 5, 2005

By


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